
North Coast Regional Water Quality Control Board

**Response to Written Comments
Draft Waste Discharge Requirements
Order No. R1-2021-0005
National Pollutant Discharge Elimination System (NPDES)
for the
Mendocino County Water Works District No. 2

Anchor Bay Wastewater Treatment Facility
Regional Water Quality Control Board, North Coast Region
April 15, 2021**

Comments Received

The deadline for submittal of public comments regarding draft Waste Discharge Requirements for Order No. R1-2021-0005, National Pollutant Discharge Elimination System Permit (Draft Permit) for the Mendocino County Water Works District No. 2 (Permittee or District) Anchor Bay Wastewater Treatment Facility (Facility) was February 6, 2021. Regional Water Board staff received a single comment from the Permittee and a single comment from the U.S. Environmental Protection Agency (U.S. EPA). This Response to Comments document includes the comments received from both of these commenters, Regional Water Board staff responses, and staff-initiated changes.

Regional Water Board staff (Staff) invited the Permittee to meet to discuss their comments regarding the Draft Permit but the Permittee did not accept this invitation. Staff notified the Permittee of the proposed changes to the Proposed Permit that are described in this Response to Comments document. The Permittee's email reply to Staff indicated that Staff's response to the Permittee's comment and changes to the Proposed Permit are acceptable to the Permittee.

This document summarizes comments received, followed by the Staff response. Text added to the Proposed Permit is identified by underline and text to be deleted from the Proposed Permit is identified by ~~strike through~~ in this document. The term "Draft Permit" refers to the version of the permit that was sent out for public comment. The term "Proposed Permit" refers to the version of the permit that has been modified in response to comments and is being presented to the North Coast Regional Water Quality Control Board (Regional Water Board) for consideration.

A. Permittee Comment

Comment: *The coliform monitoring for the irrigation field was increased to weekly due to failed monthly median results. With increased monitoring comes increased costs. Could the monthly median effluent limitation for total coliform be increased to the same as ocean discharge 70 MPN or could the sampling frequency be set at bi-weekly (twice a month) rather than weekly?*

Response: Regional Water Board staff understand the challenges of added costs on POTWs serving small, disadvantaged communities. Anchor Bay has the added challenge of being in a remote location that makes it difficult to get samples to the contracted analytical laboratory on a frequent basis. However, it is also important that monitoring be appropriate for assessing compliance with permit requirements. Regional Water Board staff are concerned about the fact that the Permittee had three violations of the total coliform effluent limitation while discharging to the forest irrigation system between July 2019 and June 2020 and whether a pattern of non-compliance is developing.

The forest irrigation area, which is on the Permittee's property and is not easily accessible by the public, is a land disposal area rather than water recycling area because forested land is not an identified use in the State's Title 22 Water Recycling Criteria, nor does it have an agronomic water demand that can be met by water recycling. The volumes of water applied are relatively low and pose a low risk to water quality.

Regional Water Board staff considered the Permittee's comment and the facts described in the first paragraph of this response. It is not possible to apply the Ocean Plan limit of 70 MPN to the forest irrigation area because this limit applies specifically to discharges to the ocean (per the Ocean Plan). The Proposed Permit establishes total coliform limits as discharge specifications due to the similarities of the Permittee's land disposal operation (forest irrigation) to agricultural irrigation recycled water uses addressed in the state water recycling regulations in title 22 of the California Code of Regulations as further explained in section 4.6.3.1.2 of the permit Fact Sheet. Establishing total coliform limits based on title 22 is necessary for the protection of human health.

It is possible to set the monitoring frequency for total coliform bacteria back to the monthly monitoring frequency that is in the Permittee's current NPDES permit, Order No. R1-2016-0006, by adding a new requirement for additional monitoring (two more weekly samples) any time the total coliform effluent limitation is exceeded. This would result in the Permittee needing to perform more frequent sampling only in months that there is an exceedance of the total coliform discharge specification. In addition to this requirement to conduct additional monitoring whenever there is an exceedance of the total coliform discharge specification, the Proposed Permit also requires the Permittee to investigate the cause of the violations if monitoring conducted any time during the term of the Proposed Permit reveals a pattern of exceedances. Additionally, the

Proposed Permit requires the Permittee to identify and implement corrective actions to prevent future exceedances.

The Proposed Permit has been modified in response to this comment as follows:

1. Monitoring and Reporting Program section 6.1.1, Table E-4 has been modified as follows (note that the following is not a complete version of Table E-4 as it was not necessary to include all of the other parameters that are in Table E-4 in the Proposed Permit):

Table E-4. Land Discharge Monitoring Requirements – Monitoring Location LND-001

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
Total Coliform Bacteria ³	MPN/100 mL	Grab	Weekly Monthly ⁴	Part 136 ²
<p><u>Table Notes</u></p> <ol style="list-style-type: none"> 2. Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Regional Water Board or State Water Board, such as with the current edition of <i>Standard Methods for Examination of Water and Wastewater</i> (American Public Health Administration). 3. For the purpose of determining compliance with effluent limitations for total coliform bacteria, effluent grab samples shall be collected from the end of the chlorine contact chamber when discharging directly to the forest irrigation system. 4. <u>Accelerated Monitoring (total coliform bacteria). If a test result exceeds an effluent limitation, the Permittee shall take two more samples, one within 7 days and one within 14 days following receipt of the initial sample result. During the intervening period, the Permittee shall take steps to identify the cause of the exceedance and take steps needed to return to compliance as further required by Order Provision 6.1.2.2.</u> 				

2. Order section 6.1.2 (pages 16-17 of the body of the Proposed Permit) has been modified to read as follows:
 - 6.1.2 **Regional Water Board Standard Provisions.** The Permittee shall comply with the following Regional Board standard provisions. In the event that there is any conflict, duplication, or overlap between provisions specified by this Order, the more stringent provision shall apply:
 - 6.1.2.1. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from this Facility, may subject the Permittee to administrative or civil liabilities, criminal

penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Permittee to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

- 6.1.2.2. In the event the Permittee does not comply or will be unable to comply for any reason, with any prohibition, final effluent limitation, other specification, receiving water limitation, or provision of this Order, that may result in significant threat to human health or the environment, such as inundation of treatment infrastructure, breach of pond containment, sanitary sewer overflow, irrigation runoff, etc., that results in a discharge to a drainage channel or a surface water, the Permittee shall:
 - 6.1.2.2.1. Notify the Regional Water Board within 24 hours of having knowledge of such noncompliance. Spill notification and reporting shall be conducted in accordance with section 5.5 of Attachment D and section 10.5 of the MRP (Attachment E).
 - 6.1.2.2.2. Investigate the cause(s) of final effluent limitation and discharge specification exceedances and failures to comply with any prohibition, specification, or provision of this Order that may result in significant threat to human health or the environment.
 - 6.1.2.2.3. Identify and implement corrective actions to prevent future exceedances or failures to comply with Order requirements.
 - 6.1.2.2.4. Report the results of such investigations and corrective actions implemented in the monthly SMR as required by MRP section 10.2.6.2.5 and 10.2.6.2.6.
3. Monitoring and Reporting Program section 10.6.2, Attachment E, has been changed to include new language as follows:
 - 10.2.6.2. The Permittee shall attach a cover letter to the SMR. The information contained in the cover letter shall clearly identify:
 - 10.2.6.2.1. Facility name and address;
 - 10.2.6.2.2. WDID number;
 - 10.2.6.2.3. Applicable period of monitoring and reporting;
 - 10.2.6.2.4. Violations of the WDRs (identified violations must include a description of the requirement that was violated and a description of the violation);
 - 10.2.6.2.5. Corrective actions taken or planned; and
 - 10.2.6.2.6. The proposed time schedule for corrective actions and/or any corrective actions implemented.

4. Fact Sheet section 7.4.1.1, Attachment F, has been modified to read, "Monitoring requirements and frequencies for flow, BOD₅, TSS, pH, nitrate, ammonia, and coliform have been retained from Order No. R1-2016-0006. These pollutants were not detected at levels that exceed any applicable water quality objectives, but some monitoring is needed to continue to verify that these pollutants that are common in treated wastewater, are controlled in a manner to prevent exceedance of applicable water quality objectives."
5. Fact Sheet section 7.4.1.2, Attachment F, has been modified to read as follows:
~~"Monitoring requirements for total coliform bacteria have been retained from Order No. R1-2016-0006 with an increased monitoring frequency from monthly to weekly. This increased monitoring frequency is necessary due to multiple monthly results exceeding the monthly median effluent limitation of 23 MPN/100 mL. The increased monitoring frequency is needed to demonstrate whether or not this Facility can achieve full compliance with the total coliform effluent limitations during land discharge. Table E-4 of the MRP includes an accelerated monitoring requirement for total coliform bacteria that is triggered any time the monthly total coliform bacteria monitoring result exceeds the total coliform bacteria effluent limitation in section 4.2.1.2 of this Order. This requirement is necessary because the Permittee had three exceedances of the total coliform bacteria effluent limitation between July 2019 and June 2020. Should the Permittee exceed the total coliform limit, the Permittee shall investigate the cause of the exceedance and identify and implement corrective actions to prevent future exceedances in accordance with Order Provision 6.1.2.2."~~

B. U.S. EPA Comment

Prior to releasing the draft permit for public comment, U.S. EPA staff notified Regional Water Board staff that U.S. EPA's recently modified E-Reporting Rule resulted in changes that should be reflected in statewide permit language in Attachment D, Standard Provisions. Regional Water Board staff had modified Attachment D language as requested by U.S. EPA but missed a few areas where the standard permit language needed to be modified. U.S. EPA staff notified Regional Water Board staff of this oversight during the public comment period. The following changes have been made to sections 1.7.6.1, 5.3.2, and 5.8 of Attachment D of the Proposed Permit:

- 1.7.6.1. **Anticipated bypass.** If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass. The notice shall be sent to the Regional Water Board. As of December 1, 2025, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i))
- 5.3.2 Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board for reporting results of monitoring, sludge use, or disposal practices. As of December 21, 2025⁴, all reports and forms must be submitted

electronically to the initial recipient defined in Standard Provisions – Reporting 5.10 and comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i))

5.8. Other Noncompliance

The Permittee shall report all instances of noncompliance not reported under Standard Provisions – Reporting 5.3, 5.4, and 5.5 above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting 5.5 above. For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting 5.5 and the applicable required data in appendix A to 40 C.F.R. part 127. As of December 21, 2025, ~~the~~ Regional Water Board may also require the Permittee to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(7))

C. Staff Initiated Changes

The following section describes changes made to the Proposed Permit by Staff based on information submitted by the Permittee, received and considered by Staff after the Draft Permit was released for public comment.

1. Monitoring and Reporting Program Introductory Language

The introductory language to the monitoring and reporting program (MRP) (first paragraph of the MRP) is standard permit language that is being updated to include the most recent language from the State Water Board NPDES permit template. The language in the Proposed Permit has been modified to read: “~~The Code of Federal Regulations (40 C.F.R. § 122.48) Section 308 of the federal Clean Water Act (CWA) and sections 122.41(h), (i)-(l), 122.44(i), and 122.48 of title 40 of the Code of Federal Regulations (40 C.F.R.)~~ requires that all NPDES permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorizes the Regional Water Board to require technical and monitoring reports. This MRP establishes monitoring and reporting requirements that implement federal and California law.”

This paragraph has also been modified to include a citation to California Water Code section 13267. This is an important addition to this paragraph as this NPDES permit includes monitoring requirements for the forest irrigation system which is a land disposal system subject to state law requirements under Water Code section 13267.

2. Monitoring Requirements for Copper and Zinc

The Permittee submitted monitoring data for copper and zinc right before the Draft Permit was released for public comment. Reasonable potential to cause or contribute to an exceedance of water quality criteria for copper or zinc could not be determined, because only one sample result was available for each parameter, and these single sample results exceeded the Ocean Plan six month median water quality criteria for copper and zinc of 3 µg/L and 20 µg/L, respectively, but did not exceed the daily maximum or instantaneous maximum water quality objectives. When less than 3 sample results are available, the reasonable potential analysis is

determined inconclusive. As such, the reasonable potential analysis determined that additional monitoring data is necessary to conduct a complete and conclusive analysis. Therefore, the Proposed Order has been modified to include monitoring for copper and zinc.

Monitoring and Reporting Program section 4.1.1, Table E 3. Effluent Monitoring – Monitoring Location EFF-001 has been modified as follows (note that the following is not a complete version of Table E-3 as it was not necessary to include all of the other parameters that are in Table E-3 in the Proposed Permit):

Table E-3. Effluent Monitoring – Monitoring Location EFF-001

Parameter	Units	Sample Type	Minimum Sampling Frequency	Required Analytical Test Method
<u>Copper, Total Recoverable</u>	<u>µg/L</u>	<u>Composite</u>	<u>Annual</u>	<u>Part 136³</u>
<u>Zinc, Total Recoverable</u>	<u>µg/L</u>	<u>Composite</u>	<u>Annual</u>	<u>Part 136³</u>

Table Notes:

3. Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136 or by methods approved by the Regional Water Board or State Water Board, such as with the current edition of *Standard Methods for Examination of Water and Wastewater* (American Public Health Administration).

Fact Sheet section 4.3.3.2, Table F-6 has been modified to include a new Table Note 3 that reads, “Since the single sample results for copper and zinc exceeded the six-month median water quality objective, but not the daily maximum or instantaneous maximum water quality objectives, additional monitoring data is needed to conduct a complete and conclusive analysis in accordance with the Ocean Plan.”

Fact Sheet section 7, Rationale for Monitoring and Reporting Requirements, has been modified to include a new section 7.2.3 that reads: “The reasonable potential analysis of the monitoring data collected during the term of Order No. R1-2016-0006 for copper and zinc resulted in a determination that additional monitoring is needed. Reasonable potential to cause or contribute to an exceedance of water quality criteria for copper or zinc could not be determined, because only one sample result was available, and these single sample results exceeded the Ocean Plan six month median water quality criteria for copper and zinc of 3 µg/L and 20 µg/L, respectively. Since the single sample results for copper and zinc exceeded the six-month median water quality objective, but not the daily maximum or instantaneous maximum water quality objectives, additional monitoring data is necessary to conduct a complete and conclusive analysis in accordance with the Ocean Plan. Therefore, this Order establishes new annual monitoring requirements for copper and zinc to determine compliance with applicable water quality criteria.”

3. Whole Effluent Monitoring Language

The Proposed Permit has been modified to add a sentence to Fact Sheet, Attachment F, Section 4.3.5.1, Test of Significant Toxicity. The sentence has been added to the end of the 5th paragraph to read:

“The permit may be modified, if necessary, to incorporate new statewide toxicity criteria established by the toxicity amendment.”

This statement is consistent with the Whole Effluent Toxicity reopener language in section 6.3.1.3 of the Proposed Order.

4. Land Discharge Requirements Language

The Proposed Permit has been modified to add language to the Fact Sheet, Attachment F, section 4.6.3 to provide justification for the use area requirements included in Order section 4.2. The Fact Sheet language has been modified as follows:

An introductory sentence has been added to Fact Sheet section 4.6.3, to read: “Section 4.2 of this Order contains Land Discharge Specifications and Requirements to ensure that the effluent produced and used by this Facility meets minimum requirements for the protection of groundwater and surface water.”

A new section 4.6.3.1 has been added to read: “Section 4.2.1 includes land discharge specifications that apply to land discharges to the forest irrigation system at Discharge Point 002 to ensure protection of surface and groundwater quality, as follows:”

Sections that were numbered in the draft permit as sections 4.6.3.1 through 4.6.3.3 have been renumbered as sections 4.6.3.1.1 through 4.6.3.1.3.

A new section 4.6.3.2 has been added to read: “Section 4.2.2 includes land discharge specifications that apply to land discharges to the forest irrigation system at Discharge Point 002 that are based on use area requirements from title 22. Although the forest irrigation system is a land disposal system and not water recycling, use area requirements from title 22 are necessary and appropriate to ensure protection of surface and groundwater quality.”